

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1896

1 WHEREAS, Hartland Insurance Pool, Inc. has submitted an application
2 designated as Special Permit No. 1896 for authority to operate a salvage yard on property
3 located at North 1st Street and Charleston Street, and legally described to wit:

4 A portion of Lot 263 located in the Northeast Quarter of
5 Section 22, Township 10 North, Range 6 East of the 6th
6 Principal Meridian, Lancaster County, Nebraska, and being
7 more particularly described by metes and bounds as follows:

8 Beginning at the east one-sixteenth corner of the Northeast
9 Quarter of Section 22, Township 10 North, Range 6 East of the
10 6th Principal Meridian, Lancaster County, Nebraska; thence
11 north 00 degrees 17 minutes 16 seconds east (an assumed
12 bearing) a distance of 181.29 feet to the point of beginning;
13 thence north 89 degrees 42 minutes 44 seconds west, a
14 distance of 902.97 feet; thence north 46 degrees 57 minutes
15 39 seconds west, a distance of 162.05 feet; thence north 00
16 degrees 19 minutes 51 seconds east, a distance of 890.00
17 feet; thence south 89 degrees 42 minutes 44 seconds east, for
18 a distance of 1021.29 feet; thence south 00 degrees 17
19 minutes 16 seconds west, a distance of 1000.00 feet to the
20 point of beginning and containing a calculated area of
21 1,015,116.19 square feet or 23.30 acres, more or less; and

22 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
23 held a public hearing on said application and by Resolution No. PC-00659 has denied
24 Special Permit No. 1896; and

25 WHEREAS, Heartland Insurance Pool, Inc. has appealed the action of the
26 Lincoln City-Lancaster County Planning Commission denying Special Permit 1896; and

1 WHEREAS, the community as a whole, the surrounding neighborhood, and
2 the real property adjacent to the area included within the site plan for this salvage yard will
3 not be adversely affected by granting such a permit; and

4 WHEREAS, said site plan together with the terms and conditions hereinafter
5 set forth are consistent with the comprehensive plan of the City of Lincoln and with the
6 intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health,
7 safety, and general welfare.

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
9 Lincoln, Nebraska:

10 That the application of Heartland Insurance Pool, Inc., hereinafter referred
11 to as "Permittee", to operate a salvage yard be and the same is hereby granted under the
12 provisions of Section 27.63.500 the Lincoln Municipal Code upon condition that operation
13 of said salvage yard be in strict compliance with said application, the site plan, and the
14 following additional express terms, conditions, and requirements:

15 1. This permit approves the operation of a salvage operation for the
16 storage and sale of non-operating or wrecked vehicles.

17 2. Before receiving building permits or commencing operations:

18 a. The Permittee shall complete the following and submit the
19 documents and plans to the Planning Department for review
20 and approval:

21 i. Correct the N. 1st Street/Sun Valley Boulevard
22 alignment.

- ii. Identify a 100 foot wide buffer along the eastern edge of the permit area in which no salvage material may be stored outside buildings.
- iii. Revise the buffer around the wetlands to no less than 30 feet.
- iv. Add a note to the site plan stating: "Property owner shall be responsible for the maintenance of wetlands areas on the property."
- v. Add a diagram to the site plan showing the method used to secure vehicles in case of flooding.
- vi. In Note 4, change "NGVD" to "NAVD."
- vii. In Note 8, change "non-unsuitable" to "non-suitable" and replace the second sentence with: "If suitable fill material is not found on site, the amount of imported fill material shall equal the amount of on-site material removed from the flood plain."
- viii. Provide a grading and drainage plan that is satisfactory to Public Works.
- ix. Identify the auction assembly area and provide parking in accordance with Section 27.67.040(d)(7) of the Lincoln Municipal Code and Design Standards.
- x. In Note 2, replace "salvage yard" with "salvage yard for the storage and sale of non-operating or wrecked vehicles."

- xi. Revise Note 5 to read: "All vehicles shall be moored by cables and anchorage as shown in the diagram."
 - xii. Add a note stating: "No salvage material shall be stored outside of buildings within 500 feet of existing Highway 6 R.O.W., nor shall salvage material be stored outside of buildings within 500 feet of future Highway 6 R.O.W. once the Highway 6 realignment is constructed."
 - xiii. Show layout of salvage yard area with driving aisles and anchoring cable locations.
- b. The construction plans must conform to the approved plans.
 - c. The access easement on the City's driveway has been recorded in the Register of Deeds.
 - d. The applicant shall receive a 404 permit or a Letter of No Effect from the Army Corps of Engineers.
 - e. The applicant shall receive a Flood Plain Development permit from building and Safety in compliance with Chapter 27.55 of the Lincoln Municipal Code.
3. All construction and operation must comply with Chapters 27.55, 5.41, and 8.26 of the Lincoln Municipal Code and any other applicable codes or requirements.
 4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

1 5. The terms, conditions, and requirements of this resolution shall be
2 binding and obligatory upon the Permittee and the Permittee's successors and assigns.
3 The building official shall report violations to the City Council which may revoke the special
4 permit or take such other action as may be necessary to gain compliance.

5 6. The Permittee shall sign and return the City's letter of acceptance to
6 the City Clerk within 30 days following approval of the special permit, provided, however,
7 said 30-day period may be extended up to six months by administrative amendment. The
8 City Clerk shall file a copy of the resolution approving the special permit and the letter of
9 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
10 Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant